IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.52 of 2007.
IN
FIRST APPEAL NO. 2262 OF 2007.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri R.G.Ketkar for the Applicant.

Shri B.H.Mehta, A.G.P. for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 12th October, 2007.

P.C.:

1. Heard the leaned Advocate appearing for the parties. The amount payable by the Applicant as per the impugned decree is about Rs.5,69,400/-. It is an admitted position that a sum of Rs.3,50,000/- was deposited by the Applicant in the trial Court during the pendency of the suit and the said amount has been withdrawn by the 1st Respondent.

2. Thus the balance amount payable as per the decree is Rs.2,19,400/-. Considering the facts and circumstances of the case, blanket stay cannot be granted. The Applicant will have to furnish security in the sum of Rs.2,20,000/- to the satisfaction of the trial Court.

3. Hence Civil Application is disposed of by the following order:

i) There will be interim relief in terms of prayer clause (a), subject to the Applicant furnishing security in the sum of Rs.2,20,000/- before the trial Court to the satisfaction of the trial Court within a period of three months from today. The Respondents will be heard by the trial Court before accepting the security.

ii) It is further made clear that if the security as aforesaid is not furnished by the Applicant to the satisfaction of the trial Court within the stipulated period, the interim relief granted by this Court will stand vacated without further reference to the Court.

iii) The parties and the trial Court to act on an authenticated copy of this order.

Judge.